

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NOE LEINHEISER,	:	
	:	
Plaintiff,	:	Civ. No. 20-4380 (RBK) (AMD)
	:	
v.	:	
	:	
LT. W. DECKER, et al.,	:	MEMORANDUM AND ORDER
	:	
Defendants.	:	
	:	

Plaintiff, Noe Leinheiser (“Plaintiff” or “Leinheiser”), is a federal prisoner proceeding *pro se* with a civil complaint. (See ECF 1). Defendants have filed a motion to dismiss the complaint. (See ECF 26). To date, Plaintiff has not filed a response to the motion to dismiss. Given that Plaintiff is incarcerated and is proceeding *pro se*, out of an extreme abundance of caution, this Court will give Plaintiff additional time in which to file a response to Defendants’ motion to dismiss. The Clerk will be ordered to send Plaintiff a copy of Defendants’ motion to dismiss at his address of record. Should Plaintiff file a response to Defendants’ motion to dismiss within the time allotted, Defendants shall be given a short period of time in which to file a reply brief in support of their motion. For docket management purposes only, the Clerk will be ordered to administratively terminate Defendants’ motion to dismiss, subject to reinstatement for disposition when the matter is fully briefed, or, if Plaintiff does not file a response in the time allotted, when the time for Plaintiff to file a response has expired.

Accordingly, IT IS on this 6th day of June, 2023,

ORDERED that Plaintiff shall have thirty (30) days from the date of this memorandum and order in which to file a response to Defendants’ motion to dismiss; and it is further

ORDERED that should Plaintiff file a response to Defendants' motion to dismiss, Defendants may file a reply brief in support of their motion within ten (10) days from when Plaintiff files his response; and it is further

ORDERED that the Clerk shall administratively terminate Defendants' motion to dismiss (ECF 26) subject to reinstatement for disposition upon the motion being fully briefed by the parties, or, if Plaintiff elects not to file a response to the motion, upon the expiration of the additional time this Court has granted Plaintiff to file a response; and it is further

ORDERED that the Clerk shall serve on Plaintiff by regular U.S. mail: (1) this memorandum and order; and (2) a copy of Defendants motion to dismiss (ECF 26, 26-1, 26-2 and 26-3).

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge